

RULEMAKING NOTICE FORM

Notice Number 2009-21

Rule Number He-P 6002.05

1. Agency Name & Address: Department of Health and Human Services Professional Licensing Unit 129 Pleasant St, Brown Bldg Concord, NH 03301	2. RSA Authority: <u>327-A:12</u>
	3. Federal Authority: _____
	4. Type of Action:
	Adoption _____
	Amendment _____
	Repeal _____
	Readoption _____
	Readoption w/amendment <u>X</u>

5. Short Title: **Ophthalmic Dispensing Continuing Education**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

- The ophthalmic dispensing rules establish procedures for the registration of ophthalmic dispensers. He-P 6002.05, specifically, establishes the continuing education procedures. The change to 6002.05 will eliminate the requirement for five of the eight hours of continuing education to be obtained through live, didactic programs. This will allow ophthalmic dispensers to complete the entire eight hours of continuing education through on-line or home study programs.

6. (b) Brief description of the groups affected:

- The proposed changes in the ophthalmic dispensing rule will allow ophthalmic dispensers to complete continuing education credits through on-line or home study programs.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule Section</u>	<u>Statute Implemented</u>
He-P 6002.05	RSA 327-A:14

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

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Title: **Rules Coordinator**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.state.nh.us/DHHS/ADMINRULEMAKING/default.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, March 23, 2009**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, March 13, 2009, at 10:00 AM**

Place: **Room 288, Brown Bldg, DHHS, 129 Pleasant St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **09:017**, dated **2/5/09**

Fiscal Impact Statement for Department of Health and Human Services rules governing Ophthalmic Dispensing Continuing Education. [He-P 6002.05]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules will decrease costs to state citizens in the form of saved travel expenses to the extent that applicants take continuing education courses on-line.

2. Cite the Federal mandate. Identify the impact of state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

The proposed rule will permit renewal applicants to take 5 of the 8 required hours of continuing education on-line which will result in a savings for the applicants as they will not be required to locate and pay travel expenses for these courses.

C. To Independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rule does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.**

Readopt with amendment He-P 6002.05, effective 3/28/06 (Document #8593), cited and to read as follows:

CHAPTER He-P 6000 OPTHALMIC DISPENSING

Statutory Authority: RSA 327-A:12

PART He-P 6002 APPLICATION PROCEDURE AND FEES

He-P 6002.05 Continuing Education.

(a) Registered ophthalmic dispensers shall complete a minimum of 8 continuing education credits during the 2 year period prior to each renewal of registration in accordance with RSA 327-A:14.

~~(b) At least 5 of the continuing education credits shall be earned through live didactic courses.~~

(be) Home study programs shall include audio, video, or computer programs with successful completion of a written examination.

(cd) Applicants for renewal shall submit documentation concerning continuing education credits with the application for renewal in accordance with He-P 6002.02 (c) (2).

(de) Continuing education events approved by the American Board of Opticianry or the National Contact Lens Examiners shall be accepted by the commissioner for continuing education credits.

(ef) Events which are not approved by the American Board of Opticianry or the National Contact Lens Examiners shall be pre-approved by the commissioner as described in (fg) through (im) below in accordance with RSA 327-A:14 for continuing education credits.

(fg) Requests for pre-approval for continuing education credits shall be submitted by the association or organization sponsoring the event.

(gh) Associations and organizations requesting pre-approval for continuing education credits shall submit their requests to the commissioner, in writing, at least 60 days prior to the scheduled event.

(hi) Requests for pre-approval for continuing education credits pursuant to RSA 327-A:14 shall include:

- (1) The name of the course, seminar, or event;
- (2) The location of the course, seminar, or event;
- (3) The sponsor or presenter of the course, seminar or event;
- (4) The address and telephone number of the sponsor or presenter;
- (5) A complete description of the course, seminar, or event;
- (6) The date(s) of the course, seminar, or event; and
- (7) The number of continuing education credits being requested.

(ij) The commissioner shall approve the proposed continuing education course if the course:

(1) Is sponsored by any national, regional, or state optical company, trade, or professional group; and

(2) Contributes to the advancement, extension, or enhancement of the professional skills and the technical knowledge of opticians.

(~~j~~k) If the commissioner has any concerns that a proposed continuing education course does not meet the requirements of (~~i~~j) (2) above, and requires advice and counsel in making a determination as to whether to pre-approve a proposed continuing education course, the commissioner shall forward the request for pre-approval to the ophthalmic dispensing advisory council for its review and recommendations.

(~~k~~l) If the request for pre-approval is sent to the ophthalmic dispensing advisory council in accordance with (~~j~~k) above, the council shall review the request in order to assure that the request meets the requirements of (~~i~~j) (2) above, and recommend approval or denial to the commissioner.

(~~l~~m) The commissioner shall implement the recommendations made by the ophthalmic dispensing advisory council in accordance with (~~k~~l) above relative to pre-approval of continuing education courses.

(~~m~~n) Continuing education requirements shall be completed prior to the expiration date of the registration.

(~~n~~o) Registrants shall maintain accurate records of continuing education credits.

(~~o~~p) Certificates and documents of evidence of continuing education credits shall be retained by the registrant for a period of 3 years.

(~~p~~q) Original certificates and documents of evidence of continuing education hours shall be subject to inspection by the department upon request.

(~~q~~r) Excess continuing education credits earned throughout the registration period shall not be carried forward into the next registration period.

APPENDIX
IMPLEMENTED STATUTES

<u>Rule Section</u>	<u>Statute Implemented</u>
He-P 6002.05	RSA 327-A:14